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DOCKET NO. B01-085 A

I hereby certify that this correspondence is being filed by fax transmission to  
571-273-8300, Assistant Commissioner of Patents, Alexandria, VA 20313

Signature Isabel R. Lincoln  
Isabel R. Lincoln

Date signed: July 21, 2009

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

**IN RE APPLICATION OF:**

HEINZ, Guenther

**FILED:** 01/02/2002

**SERIAL NO:** 10/037,427

**FOR:** Lift Belt and System

)  
) Examiner:

) Kruer, Stefan

) Group Art Unit: 2654

)

**RESPONSE TO NOTIFICATION OF  
NON-COMPLIANT APPEAL BRIEF**

Commissioner of Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

In response to the Notification of Non-Compliant Appeal Brief mailed July 10, 2009, Appellant encloses an amended copy of page 2 of the Appeal Brief Under 37 CFR §41.37 sent June 3, 2009.

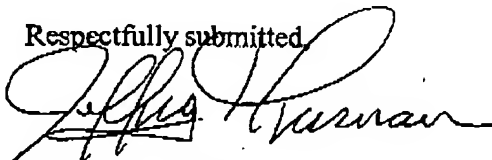
Appellant has amended the Appeal Brief responsive to item 2 regarding the statement of the status of all claims.

A copy of the Notification of Non-Compliant Appeal Brief is also enclosed.

**FEE STATEMENT**

Any fees which may be required as a result of the amendments made herein are authorized to be charged to Assignee's deposit account number 07-0475.

Respectfully submitted,



Jeffrey A. Thurnau

Attorney for Applicant

Reg. No. 42,183

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Denver, Colorado

Dated: July 21, 2009

**(i) Real Party in Interest**

The real party in interest for the above-identified patent application is Gates Corporation, assignee of inventors Guenther Heinz and Hans Metzen.

**(ii) Related Appeals and Interferences**

There are no other appeals or interferences known to Appellants, Appellant's legal representative or Assignee that will directly affect or be directly affected by or have a bearing upon the Board's decision in the pending appeal of the above-identified patent application.

**(iii) Status of Claims**

Claims 1-26, 28-31, 33-38 and 43-45 are rejected.

Claim 27 is withdrawn from consideration.

Claims 1-26, 28-31, 33-38 and 43-45 are appealed.

Claims 32, 39-42 are cancelled.

**(iv) Status of Amendments**

There have not been any amendments filed subsequent to the Final Office Action mailed 02/04/2009.



## UNITED STATES PATENT AND TRADEMARK OFFICE

August 10

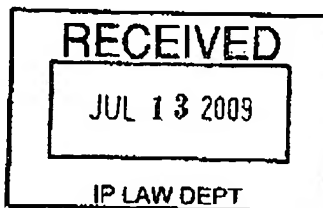
Non Compliant

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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 10/037,427      | 01/02/2002  | Guenther Heinz       | B01-085A            | 7207             |

26683 7590 07/10/2009

THE GATES CORPORATION  
IP LAW DEPT. 10-A3  
1551 WEWATTA STREET  
DENVER, CO 80202



EXAMINER

ART UNIT PAPER NUMBER

DATE MAILED: 07/10/2009

Please find below and/or attached an Office communication concerning this application or proceeding.

|  |                               |                              |  |
|--|-------------------------------|------------------------------|--|
| <b>Notification of Non-Compliant Appeal Brief<br/>(37 CFR 41.37)</b> | Application No.<br>10/037,427 | Applicant(s)<br>HEINZ ET AL. |  |
|  | Examiner<br>Stefan Krueer     | Art Unit<br>3654             |  |

**-The MAILING DATE of this communication appears on the cover sheet with the correspondence address-**

The Appeal Brief filed on 08 June 2009 is defective for failure to comply with one or more provisions of 37 CFR 41.37.

To avoid dismissal of the appeal, applicant must file an amended brief or other appropriate correction (see MPEP 1205.03) within **ONE MONTH or THIRTY DAYS** from the mailing date of this Notification, whichever is longer. **EXTENSIONS OF THIS TIME PERIOD MAY BE GRANTED UNDER 37 CFR 1.136.**

1. ☐ The brief does not contain the items required under 37 CFR 41.37(c), or the items are not under the proper heading or in the proper order.
2. ☒ The brief does not contain a statement of the status of all claims, (e.g., rejected, allowed, withdrawn, objected to, canceled), or does not identify the appealed claims (37 CFR 41.37(c)(1)(iii)).
3. ☐ At least one amendment has been filed subsequent to the final rejection, and the brief does not contain a statement of the status of each such amendment (37 CFR 41.37(c)(1)(iv)).
4. ☐ (a) The brief does not contain a concise explanation of the subject matter defined in each of the independent claims involved in the appeal, referring to the specification by page and line number and to the drawings, if any, by reference characters; and/or (b) the brief fails to: (1) identify, for each independent claim involved in the appeal and for each dependent claim argued separately, every means plus function and step plus function under 35 U.S.C. 112, sixth paragraph, and/or (2) set forth the structure, material, or acts described in the specification as corresponding to each claimed function with reference to the specification by page and line number, and to the drawings, if any, by reference characters (37 CFR 41.37(c)(1)(v)).
5. ☐ The brief does not contain a concise statement of each ground of rejection presented for review (37 CFR 41.37(c)(1)(vi)).
6. ☐ The brief does not present an argument under a separate heading for each ground of rejection on appeal (37 CFR 41.37(c)(1)(vii)).
7. ☐ The brief does not contain a correct copy of the appealed claims as an appendix thereto (37 CFR 41.37(c)(1)(viii)).
8. ☐ The brief does not contain copies of the evidence submitted under 37 CFR 1.130, 1.131, or 1.132 or of any other evidence entered by the examiner and relied upon by appellant in the appeal, along with a statement setting forth where in the record that evidence was entered by the examiner, as an appendix thereto (37 CFR 41.37(c)(1)(ix)).
9. ☐ The brief does not contain copies of the decisions rendered by a court or the Board in the proceeding identified in the Related Appeals and Interferences section of the brief as an appendix thereto (37 CFR 41.37(c)(1)(x)).
10. ☒ Other (including any explanation in support of the above items):

2. Status Of Claims: The Appeal Brief does not give the status of all the claims filed in the application. All cancelled claims has to be identified in this section. Note: A new Appeal Brief is not required, only the defective section(s).

v/Everett R. Williams /  
Everett R. Williams  
Patent Appeals Center  
571-272-3619